

The Central Drug Co. was named as a defendant in all counts of the information, and, in addition, Oscar W. Howser was joined as a defendant in two of the counts and Allen T. Howser was joined as a defendant in one of the counts and charged with the violations involved in those counts.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the drugs failed to bear labels containing accurate statements of the quantity of the contents; and, Section 502 (f) (1), the labeling of the drugs failed to bear adequate directions for use.

Further misbranding, Section 502 (f) (2), the labeling of the *sulfadiazine tablets* failed to bear adequate warnings against use of the drug in those pathological conditions where its use may be dangerous to health, and against unsafe dosage and methods and duration of administration, in such manner and form, as are necessary for the protection of users.

DISPOSITION: April 8, 1952. Pleas of guilty having been entered, the court imposed a fine of \$200 against the corporation, \$100 against Oscar W. Howser, and \$50 against Allen T. Howser.

3725. Misbranding of Combisul-TD tablets, thyroid tablets, and sulfathiazole tablets. U. S. v. Irvin J. Kalt (Kalts Drugs). Plea of nolo contendere. Fine, \$300. (F. D. C. No. 30621. Sample Nos. 84934-K, 85057-K, 85058-K.)

INFORMATION FILED: November 26, 1951, Southern District of Ohio, against Irvin J. Kalt, trading as Kalts Drugs, Dayton, Ohio.

ALLEGED SHIPMENT: On or about August 11 and December 12, 1950, while the drugs were being held for sale after shipment in interstate commerce, the defendant caused various quantities of the drugs to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs failed to bear labels containing accurate statements of the quantity of the contents; and, Section 502 (f) (2), the labels of the repackaged drugs failed to bear adequate warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration, in such manner and form, as are necessary for the protection of users.

Further misbranding, Section 502 (b) (1), the repackaged *sulfathiazole tablets* failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 502 (e) (2), the repackaged *Combisul-TD tablets* failed to bear a label containing the common or usual name of each active ingredient of the tablets; and, Section 502 (f) (1), the labeling of the repackaged *Combisul-TD tablets* and *thyroid tablets* failed to bear adequate directions for use.

DISPOSITION: April 24, 1952. A plea of nolo contendere having been entered, the court imposed a fine of \$300.

3726. Misbranding of pentobarbital sodium capsules. U. S. v. Red Star Pharmacy, Inc. (J. F. Epstein Drugs), and Jerome F. Epstein. Pleas of guilty. Fine of \$100 against individual and \$1 against corporation. (F. D. C. No. 31299. Sample No. 4851-L.)

INFORMATION FILED: April 3, 1952, District of Massachusetts, against Red Star Pharmacy, Inc., trading as J. F. Epstein Drugs, Boston, Mass., and Jerome F. Epstein, president-treasurer of the corporation.

INTERSTATE SHIPMENT: From the State of New York into the State of Massachusetts, of a quantity of *pentobarbital sodium capsules*.

ALLEGED VIOLATION: On or about July 5, 1951, while the drug was being held for sale after shipment in interstate commerce, the defendants caused a number of capsules of the drug to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged drug being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged drug failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents.

Further misbranding, Section 502 (d), the repackaged drug contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the repackaged drug failed to bear a label containing the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (1), the labeling of the repackaged drug failed to bear adequate directions for use.

DISPOSITION: June 24, 1952. Pleas of guilty having been entered, the court imposed a fine of \$100 against the individual and a fine of \$1 against the corporation.

3727. Misbranding of pentobarbital sodium capsules. U. S. v. Fred J. Kwako (Kwako Drugs). Plea of guilty. Fine, \$100. (F. D. C. No. 31292. Sample Nos. 76000-K, 91442-K, 91445-K, 19212-L, 19224-L.)

INFORMATION FILED: December 19, 1951, District of Minnesota, against Fred J. Kwako, trading as Kwako Drugs, at Pelican Rapids, Minn.

INTERSTATE SHIPMENT: From the State of Illinois into the State of Minnesota, of a number of *pentobarbital sodium capsules*.

ALLEGED VIOLATION: On or about November 27 and December 6 and 20, 1950, and January 9 and February 15, 1951, while the drug was being held for sale after shipment in interstate commerce, the defendant caused a number of capsules to be repacked and sold without a physician's prescription, which acts resulted in the repackaged drug being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drug failed to bear an accurate statement of the quantity of the contents.

Further misbranding, Section 502 (d), the drug contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the repackaged drug failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (1), the labeling of the repackaged drug failed to bear adequate directions for use.

DISPOSITION: May 5, 1952. A plea of guilty having been entered, the court imposed a fine of \$100.